

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK,

Plaintiff,

v.

SYMANTEC CORPORATION,

Defendant.

Action No. 3:13-CV-808

CLAIM CONSTRUCTION ORDER

Pursuant to the directions of *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996), the Court hereby construes the following disputed terms of the allegedly infringed patents in the above referenced case:

I. First Family of Patents ('544 and '907)

1. "Byte Sequence Feature": Feature that is a representation of machine code instructions of the executable. "Feature" is a property or attribute of data which may take on a set of values.
2. "Email Interface": The component that reintegrates filtered email back into normal email traffic and may send the model generator 240 each attachment to be analyzed further.
3. "Wherein [the step of] extracting said byte sequence features from said executable attachment comprises creat[ing/e] a byte string representative of resources referenced by said executable attachment": Indefinite. The Court finds that the "resource information" feature extraction embodiment is separate and distinct from the "byte sequence feature" extraction embodiment. Because Claims 1 and 16 of the '544 patent conflate these terms, and thus are inconsistent with the specification, the Court holds that this term is indefinite. *See Allen Eng'g Corp. v. Bartell Indus., Inc.*, 299 F.3d 1336, 1349 (Fed. Cir. 2002).

II. Second Family of Patents ('084 and '306)

1. "Operating System Registry": A database of information about a computer's configuration, utilized by an operating system, organized hierarchically as a tree, with entries consisting of keys and values.

2. “Probabilistic Model of Normal Computer System Usage”: Model of typical attack-free computer system usage that employs probability. “Probability” is the likelihood that an event will occur or a condition will be present.

“Normal Computer System Usage”: Typical, attack-free computer system usage.

3. “Anomaly” / “Anomalous”: Deviation/deviating from a model of typical, attack-free computer system usage.

III. Third Family of Patents (‘115 and ‘322)

1. “Anomalous”: Deviation/deviating from a model of typical, attack-free computer system usage.
2. “Emulator”: Software, alone or in combination with hardware, that permits the monitoring and selective execution of certain parts, or all, of a program.
3. “Application Community”: Members of a community running the same program or a selected portion of the program.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

<p style="text-align: center;">_____/s/_____ James R. Spencer Senior U. S. District Judge</p>

ENTERED this 7th day of October 2014.